

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64461 of 2025

Arising Out of PS. Case No.-282 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Deepak Chaudhary @ Deepak Kumar, Son of Shibu Chaudhary, Resident of
Village- Bhartiya Nagar Madhav Hospital Ka Bagal, Ward No 26 /35 PS-
Saharsa District -Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Saharsa Sadar P.S. Case No. 282 of 2025 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018

3. The allegation against the petitioner is of involved in trafficking of illicit liquor, the police on a secret information conducted raid, however, noticing the police party one person succeeded in fleeing away. The local people, who were present there, disclosed the name of the petitioner. In course of search, total six litres of illicit *Chulai* liquor was recovered from a place, which was surrounded through the *Tin* Shed.

4. Learned Advocate for the petitioner submitted that



the identification of the petitioner by the local people does not inspire confidence, as their names have not been disclosed. In fact, only on account of two criminal antecedent of identical nature, the name of the petitioner has been implicated on mere suspicion. Besides the aforesaid fact, the alleged recovery has been made from a place, which belongs to co-accused, Rajesh Yadav. The petitioner has neither any concern with the place, in question, nor with the illicit liquor. There are various other infirmities in the search and seizure, coupled with the non-compliance of Sections 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023. All the more, at the time of seizure, no Video recording has been made.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that two criminal antecedent of the petitioner and his identification clearly suggest his complicity in the crime.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact, which, *prima facie*, do not attract the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, coupled with the alleged recovery, made from a place, which does not belong to the petitioner, let



the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise)-II, Saharsa in connection with Saharsa Sadar P.S. Case No. 282 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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